

APPLICANT:
Hopewell United Methodist Church

REQUEST: Variance to permit an addition to the existing church within the required front yard setback in the Rural Residential District

HEARING DATE: July 11, 2007

BEFORE THE
ZONING HEARING EXAMINER
FOR HARFORD COUNTY
BOARD OF APPEALS
Case No. 5605

ZONING HEARING EXAMINER'S DECISION

APPLICANT: Hopewell United Methodist Church

LOCATION: 3602 Level Village Road
Tax Map: 36 / Grid: 4D / Parcel: 79
Second (2nd) Election District

ZONING: RR / Rural Residential

REQUEST: A variance, pursuant to Section 267-35(B), Table III, of the Harford County Code, to permit an addition to maintain a minimum front yard setback of 68' (80' required) in the RR District.

TESTIMONY AND EVIDENCE OF RECORD:

J. Robert Tibbs, Jr., a Member of the Building Committee of Hopewell United Methodist Church, testified for the Applicant.

Hopewell United Methodist Church is located on a 5 acre parcel on Level Road in Havre de Grace, Maryland. The property itself is improved by the existing Church, built in 1961, and accessory parking areas and drive aisles.

The Church itself is an attractive, brick structure, located approximately 100 feet from the center line of Level Village Road, which constitutes the front yard lot line of the subject property. The Church is located somewhat to the front and easterly side of its lot.

Mr. Tibbs explained the Church's plans to add a 24 foot addition to the front of the Church, and an 8 foot covered walkway in front of that. The resulting construction would impact the required 80 foot front yard setback by about 12 feet.

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Mr. Tibbs, referring to a photograph marked as Attachment C in the file, stated that the Church is now accessible by a handicap ramp which is located to the west side and across the front of the Church. The bathrooms inside the building are presently not handicap accessible.

As a result, and in an effort to provide accessibility for the disabled, the Church wishes to construct a permanent ramp to the front of the Church, and by building an addition to the front create space which will allow the bathrooms to be accessible by elevator. The proposed addition to the front of the Church building will be similar in construction and materials to the existing Church structure, of brick and wood finish.

Mr. Tibbs explained that the addition could not be placed to the left side of the building because the interior layout and construction of the Church precludes such configuration. The addition cannot be put to the rear and the side because of parking areas and drive aisles. The septic system is located to the rear of the property. The addition at the proposed location will not interfere with this use.

No neighbors expressed any opposition to the proposal.

Shane Grimm of the Harford County Department of Planning and Zoning stated that the Church building is located in the extreme southwest corner of its parcel. The proposed location for the addition is the most appropriate given the interior layout of the Church facility. The addition would also eliminate the wooden handicap ramp and would enable the Church to provide better accessibility to handicapped visitors and congregants.

The Department of Planning and Zoning Staff Report states, *inter alia*:

“The Department find that the subject property is unique. The main entrance to the church is located on the Level Village Road side of the building. Due to the orientation of the seating, aisles, and pulpit within the Church, the addition could not be located on any other side of the building without significant renovation to the interior of the building. Also, the location of the driveway and parking area preclude the expansion to the north and south side of the building. The addition will provide additional space for the growing congregation and make the Church more accessible to those with disabilities. The requested variance will not adversely impact the adjacent properties or the intent of the Code.”

No testimony or evidence was given in opposition.

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APPLICABLE LAW:

Section 267-11 of the Harford County Code allows the granting of a variance to the requirements of the Code:

“Variances.

A. Except as provided in Section 267-41.1.H., variances from the provisions or requirements of this Part 1 may be granted if the Board finds that:

(1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Part 1 would result in practical difficulty or unreasonable hardship.

(2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Part 1 or the public interest.

B. In authorizing a variance, the Board may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary, consistent with the purposes of the Part 1 and the laws of the state applicable thereto. No variance shall exceed the minimum adjustment necessary to relieve the hardship imposed by literal enforcement of this Part 1. The Board may require such guaranty or bond as it may deem necessary to insure compliance with conditions imposed.

C. If an application for a variance is denied, the Board shall take no further action on another application for substantially the same relief until after two (2) years from the date of such disapproval.”

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

Hopewell United Methodist Church is an attractive, 45 year old structure located on a relatively level 5 acre parcel. The Church fronts on Old Level Road which is a County maintained secondary road.

The Church has a configuration similar to many, if not almost all Church buildings. It is long, yet narrow with, obviously, the focal point of activities being at the front, or opposite the entrance doorway.

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The Applicant wishes to construct a relatively modest addition to the front of the building which will primarily help provide a better entryway into the Church and make the bathrooms accessible to those with disabilities. The addition itself will be similar in appearance and design to that of the existing Church and will be constructed with similar materials. The addition, as planned, will no doubt be an attractive and pleasant improvement to the structure.

However, because of the interior configuration of the Church, and given the function which the proposed addition will, at least in part, provide, that is, better accessibility for disabled individuals, the location in which an addition can be constructed is relatively constrained. The Church is surrounded on two sides by a parking and drive aisles, and with the lands to the west of the Church being in grass. It would not be efficient or practical to locate the addition off to the side, on the west side of the Church.

The Church structure, given its proximity to Level Village Road, requires a relatively minor 11 foot variance into the 80 foot front yard setback requirement. Due to the location of the Church, its construction and interior layout, the strict application of the setback requirements would cause the Applicant a practical difficulty in that it would be unable to build its addition in the most appropriate, feasible and beneficial location.

The relief requested is the minimum necessary to relieve the hardship, and there will be no adverse impact to any adjoining property or to the neighborhood.

CONCLUSION:

For the above reasons, it is recommended that the requested variance be granted, subject to the following:

1. The Applicant shall obtain all necessary permits and inspections.
2. The Applicant shall submit a landscaping plan to the Department of Planning and Zoning for review and approval.

Date: August 3, 2007

ROBERT F. KAHOE, JR.
Zoning Hearing Examiner

Any appeal of this decision must be received by 5:00 p.m. on AUGUST 31, 2007.